

REMARKS/ARGUMENTS

In the office Action claims 1-6 and 8-9 were objected to because of the informalities mentioned in the Office Action, these informalities having been corrected by amendment of claim 1. Claims 1-6 and 11 were rejected under 35 USC 103(a) as being unpatentable over Mitsui US 5,618,068 in view of Dowling 5,893,593 for the reasons stated in the Office Action. Claims 7-9 were rejected under 35 USC 103(a) as being unpatentable over Mitsui US 5,618,068 in view of Dowling 5,893,593, and further in view of Jyawook US 6,256,932, and further in view of case law for the reasons set forth in the Office Action. Claim 10 was rejected under 35 USC 103(a) as being as being unpatentable over Mitsui US 5,618,068 in view of Dowling 5,893,593, and further in view of Jyawook US 6,256,932, and further in view of case law, and further in view of Pastva US 3,857,594 for the reasons stated in the Office Action.

The following argument distinguishes the present invention from the combined teachings of the cited references so as to overcome the rejections of the claims and secure allowable subject matter.

It appears that the Examiner may be in error in characterizing the term door lock 14 (Fig. 1) in present claim 1. The present lock 14 must not be compared with the operation mechanism 9 as shown in Fig. 1 of Mitsui or with latch mechanism 8 shown in the

same drawing. As clearly indicated in the present specification, a door lock in the meaning of the present invention, shall both cover the functions of latch mechanism (Mitsui 8) and control mechanism (Mitsui 9). For locking the door in its closed position it is necessary to have the Mitsui control mechanism 9 arranged in the same position as the Mitsui latching device 8 for the necessary cooperation of the latch unit with a respective part which is located at the car body. The cited state of the art of Mitsui is precisely specified in the present specification on page 1, lines 24-31, and here the terms to be compared with Mitsui are clearly defined, namely, a control mechanism corresponding to the operation of the Mitsui mechanism 9 and a door lock corresponding to the Mitsui latch mechanism.

With respect to the comparisons made by the Examiner between terminology of claim 1 and the teaching of Mitsui, the Examiner refers to a door lock 13 which is shown in Mitsui in figure 7 and disclosed in column 4 at line 51 as the latch of a lock. The Examiner also refers to a latching device 14 which is shown in Mitsui in figure 7 and disclosed in column 4 at line 55 as a ratchet 14 which engages with a portion of the latch 13. It is clear from the description in Mitsui that his latch 13 and his ratchet 14 are both elements of a common lock, and are spaced next to each other so as to contact each other to cooperate in operation of the lock.

The term "door lock" and "latching device" employed by the Examiner are obtained from present claim 1. However, it is urged that the analogy is misleading because the present door lock 14

(Figure 1) is located on a side edge of the door for locking the door to a door frame in a closed position of the door, while the present door latch 16 (Figure 1) is located on a bottom edge of the door to hold the door fixed to the door frame in an open position of the door.

Therefore, in understanding the present invention, it is important to note the distant location of the present door latch 16 relative to the present door lock 14, wherein the latch 16 is on a bottom edge of the door for engagement with a stationary element, such as a rail frame of a vehicle, to hold the door in an open position while the lock 14 is on a vertical edge of the door to lock the door to a stationary element in a closed position of the door. This provides for an important distinction over the teaching of Mitsui wherein his latch and his ratchet are next to each other within a common lock to contact each other whereby the ratchet holds the latch in a first condition or allows rotation of the latch in a second condition in the operation of the lock. With the foregoing understanding of the operation of the present invention, it is inconceivable that one could combine the teaching of Mitsui with the teaching of Dowling to suggest that the Mitsui ratchet could be used to slide into a door frame to hold a door in an open position. Actually, Dowling discloses in column 4 at lines 55-65 that his holder L includes a latch which is engaged with a striker fixed to the vehicle body when the sliding door is moved to the full-open position. The Dowling holder L is distant from the Dowling lock D showing that the two mechanisms operate independently of each other and, therefore, contrary to the Examiner suggestion, do not motivate

one to combine their functions. In particular, it is noted that neither Mitsui nor Dowling show the mechanism of present Figures 2-5, which mechanism is set forth in present claim 1.

In order to emphasize the foregoing distinction between the present invention, as set forth in claim 1, and the teachings of the cited art, claim 1 has been amended to state that the door lock is for locking the door in a closed position of the door. This distinguishes the function of the door lock from that of the latching device which is said by the claim language to serve for holding the sliding door in its open position. Furthermore, claim 1 is amended to state that the latching device is distant from the door lock. This distinguishes over the lock components 13 and 14 of Mitsui, which components are next to each other for contacting each other in the operation of the lock containing these two components. Corresponding amendments are made in claims 9 and 11. Therefore, these amendments to claims 1, 9 and 11 are believed to distinguish the claims from the teachings of the cited art, considered individually and in combination, so as to secure allowable subject matter for these claims, as well as for their respective dependent claims.

Further, it is already explained in the specification that new developments tend to integrate the aforementioned control mechanism in the door lock, i.e. both the control mechanism and the door lock are arranged in one unit at the place of the latching device which earlier was arranged without any logical functions but needed the separated control mechanism. The reason for the integration is the reduction of manufacturing costs for

the door lock and further the assembling of the parts within the sliding door is facilitated because naturally only one unit has to be mounted.

Such an arrangement with both the operation or control mechanism and the door lock or latching device, respectively being integrated in one unit is the prior art the present invention is based on. However, there are drawbacks resulting from this integration, namely, long connecting elements running from the door handle through the whole sliding door and, if an additional latching device is provided, back to the separate latching device for keeping the sliding door positively locked in the open position.

The problem to be solved by the present invention therefore is not present in the state of the art in accordance with Dowling. Actually Dowling represents only a state of the art with a centralized operating mechanism as Mitsui and both the latching device (D in Fig. 3) for locking the door in its closed position and the latching device (L in Fig. 3) for locking the door in its open position are connected by connecting elements with the central operation mechanism (G in Fig. 3 in accordance with Dowling). With the centralized operating mechanism there is no problem existing with long connecting elements running from a door handle (see for instance C in Fig. 3, Dowling) because of the central arrangement of operating mechanism 9. It is clear for the skilled person that the operating mechanism G in accordance with Dowling is quite the same as the operating mechanism 9 according to Mitsui.

If now the operating mechanism G were to be integrated in the latch mechanism D for keeping the door locked in its closed position, it is self-evident that the connecting element of the latching device L for keeping the door locked in its open position would be connected to the combined unit Q +D if the skilled person would think of controlling said latching device L by the operating mechanism G integrated within the door lock D. There is no reason for the skilled person to provide driven elements separated from the operation mechanism in between the connecting elements between the door handle and the operating mechanism. Why should the skilled person after having integrated the operating mechanism into the door lock D provide separate elements meaning a more complicated assembling and higher costs? Neither Mitsui nor Dowling can give an answer to this question because with the solution shown in both of these documents the problem with the long connecting elements is not present at all.

The operating arrangement in accordance with the present invention is clearly different from what is shown by both Dowling and Mitsui. It is not possible to arrive at the subject of the present invention by combining these two documents. The independent claims are distinguished from the prior art because it is clearly said that the logical functions for the sliding door are provided by the door lock while in the prior art documents these functions are realized in a separated, centrally located operating mechanism 9, G. of Mitsui and Dowling respectively. Since in accordance with the present invention those functions are realized in the door lock, the integrated operating mechanism must be arranged at the edge of the sliding

door because otherwise no latching between the door lock and the car body would be possible.

The Examiner is believed to be in error, in the Office Action on page 3, when he argues that as taught by Mitsui, the logical functions for locking/unlocking the sliding door are realized in the door lock (latching mechanism in the language of Mitsui). These functions are instead realized in the operating mechanism and, therefore, the Examiner should not argue further that the drive elements are located at a distance from the operating mechanism shown by Mitsui and Dowling. There, the drive elements are integrated within the operating mechanism not being located at a distance from but directly within the operating mechanism.

In view of the foregoing argument and the concepts discussed at the interview, this response is believed to overcome the rejections under 35 USC 103 so as to secure allowance of the claims. In the event there are further issues remaining the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are believed to be distinguishable over the art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter,

enter this amendment, and to allow all of the claims in this case.

Respectfully submitted,  
Martin Roos

by: \_\_\_\_\_  
MARTIN A. FARBER  
Attorney for Applicant  
Registered Representative  
Registration No. 22,345

CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on April 5, 2004.

Dated: April 5, 2004

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MARTIN A. FARBER

866 United Nations Plaza  
New York, NY 10017  
(212) 758-2878